

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV: 2018-CHC 285

UNDER	the the Resource Management Act 1991 (RMA)
IN THE MATTER	of an appeal under clause 14(1) of the First Schedule of the RMA in relation to the proposed Second Generation Dunedin City District Plan (2GP)
BETWEEN	The Preservation Coalition Trust Appellant
AND	Dunedin City Council Respondent

MEMORANDUM OF COUNSEL ON BEHALF OF UNIVERSITY OF OTAGO

**GALLAWAY COOK ALLAN
LAWYERS
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May it please the Court:

1. This Memorandum responds to the Directions made within the Record of Teleconference dated 14 November 2019 and Report of the Dunedin City Council lodged with the Court on 2 December 2019.
2. At the teleconference, the University recorded that they may wish to participate in conferencing but would confirm their position after receiving the additional information from the appellant.¹
3. As recorded in the Report of Council not all of this information within paragraph 7(b) has been provided to us.² In particular, a copy of a plan showing the extent of the coastal overlay, and a response to the affidavit of Michael Bathgate.³ We understand that the appellant does wish to respond to the affidavit of Mr Bathgate but has not provided a substantive response to date.
4. The University received the information directed within paragraphs 7(b)(ii) and 7(b)(iv) upon request this afternoon.⁴ We have not had time to obtain additional instruction from the University since being provided that information.
5. The University may still wish to be involved in the caucusing, and maintain their position that they need to understand the relief sought before they can engage experts on the matter. This may impact the conferencing details identified in the Report of Counsel for DCC.⁵

Date: 2 December 2019



¹ Record of Teleconference dated 14 November 2019 at [5]

² Report of Counsel for DCC dated 2 December 2019 at [3]

³ Record of Teleconference dated 14 November 2019 at [7](b)(iii) and [7](b)(iv)

⁴ Record of Teleconference dated 14 November 2019 at [7]

⁵ Report of Counsel for DCC dated 2 December 2019 at [6]

D A McLachlan

Counsel for University of Otago